REMARKS

Claims 1-20 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2001/0011370 of Gunter, *et al.* Gunter discloses a method for visualizing and testing a sequence of a software code that includes instructions relating to assignment of variables and decision branches. (Abstract, Gunter). To provide a graphical representation of a code being tested, Gunter discloses that a graphical interface unit provides a copy of the code to a server to compile the code so as to generate the corresponding flow chart of the code. (Gunter, ¶ 0033).

Applicant claims a method and computer program product for automatically generating flowcharting instructions from a source code that includes, *inter alia,* loading source code statements into statement records of a data structure, identifying each branch statement contained in the statement records, exporting the data structure into a drawing program and displaying the flowchart. (Claims 1 and 20). Applicant further claims a method for generating a source code text file from a flowchart comprising, *inter alia,* assigning a shape name to each shape appearing on the flowchart, wherein the shape name is a statement number assigned to a first statement within the shape and wherein each shape name is less than all subsequent shape names, writing the statements contained within each shape to an ordered array with the associated shape names and writing each line of the ordered array to a text file. (Claim 19).

MPEP § 2131 provides:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.,* 868 F.2d 1226, 1236 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of terminology is not required. *In re Bond,* 910 F.2d 831 (Fed. Cir. 1990).

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Regarding amended independent claims 1 and 20, Applicant has amended claims 1 and 20 with limitations from original claim 18 and has amended claim 18 to delete those limitations that are now included in amended claims 1 and 20 so as not to be redundant. Applicant claims a method and computer program product that generates a flowchart from the code statements of a computer program code. In a quite different method, Gunter discloses generating a flowchart from a *compiled* version of a computer program code. As Gunter discloses, "Graphical interface unit 18 also provides a copy of the code 64 to a server unit 20 to compile the code so as to generate the corresponding flow chart of the code." (Gunter, ¶ 0033). The invention claimed by Applicant provides a method and computer program product for converting code *statements* into a flowchart by placing the statements in a data structure, exporting the data structure into a drawing program and displaying the flowchart.

Because Gunter does not disclose each and every limitation claimed by Applicant, Applicant respectfully asserts that a *prima facie* case of anticipation has not been presented. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of independent claims 1 and 20, as well as all dependent claims depending therefrom.
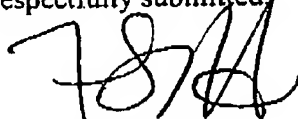
Regarding independent claim 19, Applicant is unable to find within Gunter any mention of assigning a shape name to each shape appearing on the flowchart, wherein the shape name is a *statement number* assigned a first statement within the shape and wherein each shape name is less than subsequent shape names. Gunter dos not disclose the identical invention as that claimed by Applicant in as complete detail as is contained in the claim, as required for a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d at 1236. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 19.

Applicant respectfully asserts that all claims are now in condition for allowance and respectfully requests the timely issuance of a notice of allowance. If the Examiner believes that a telephone interview would expedite the examination of the pending application, the Examiner is invited to call the below signed attorney at the convenience of the Examiner. In the event there are additional charges in connection with the filing of this Response, the Commissioner is hereby

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authorized to charge the Deposit Account No. 50-0714/KUNZ/0001 of the firm of the below-signed attorney in the amount of any necessary fee.

Respectfully submitted,

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